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CONCURRING OPINION BY NAKAMURA, J.

I believe that the trial court erred in excluding evidence proffered by Defendant-Appellant Roynes Joseph Dural II (Defendant) that the mother (Mother) of the complaining witness (Complainant) attempted suicide after Defendant told Mother he was ending his affair with Mother. This evidence was relevant to Mother's bias in testifying against Defendant. Hawaii Rules of Evidence (HRE) Rule 609.1. Although Mother had a different explanation for her suicide attempt, resolution of the competing explanations should have been left to the jury.

The error, however, was harmless. Hawai'i Rules of Penal Procedure (HRPP) Rule 52(a). As the majority notes, there was ample other evidence adduced at trial to show Mother's alleged bias. In addition, Defendant testified that after Mother's suicide attempt, he and Mother both decided that it was best for them to end their relationship and that when this decision was made, "we still was friends."

Moreover, the case turned not on Mother's credibility, but on Complainant's credibility. Complainant testified that Defendant engaged in "consensual" sex with Complainant over twenty times when she was twelve and thirteen years old. Defendant's own testimony established that Complainant was devoted to him. Defendant testified that he was close to Complainant and her siblings, that he treated them like his own

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children, and that Complainant and her older brother always wanted to be around Defendant. Against Mother's wishes, Complainant continued to visit Defendant long after Mother's suicide attempt and Mother's relationship with Defendant had ended. The undisputed evidence showed that these visits continued and the bond between Complainant and Defendant remained strong up to when Complainant disclosed Defendant's alleged sexual abuse to Mother. In my view, given these circumstances, the admission of evidence relating to Mother's suicide attempt would not have affected the jury's assessment of Complainant's credibility or the outcome of the case.

Thus, while I disagree with the majority's analysis regarding the admissibility of evidence relating to Mother's suicide attempt, I agree with the majority that the exclusion of such evidence does not warrant overturning Defendant's convictions. In all other respects, I agree with the majority's reasoning and disposition.

Craig H. Nakamura